REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The rejection of claims 6-7 and 14-15 under 35 U.S.C. § 112 (first paragraph) for lack of enablement is respectfully traversed.

It is the position of the U.S. Patent and Trademark Office that the claims are not enabled for *in vivo* use (outstanding office action page 3, lines 1-2). Applicants respectfully disagree. In the present case, *in vitro* results, which are shown in the Examples of the application as filed, are predictive of *in vivo* results. In particular, calpain inhibitors E64D and Z-Leu-Leu-H are known to be cell permeable (See Declaration of Thomas Albrect and Zhenping Chen Under 37 C.F.R. 1.132 (submitted on March 5, 2007) ("Declaration") ¶ 8). Online catalogs which offer calpain inhibitors E64D and Z-Leu-Leu-H for sale indicate that they are cell permeable (Declaration ¶ 9). Calpain inhibitors, such as E64d, have been used successfully in animal models to decrease calpain activity (Declaration ¶ 10). Thus, having shown that calpain inhibitors are enabled for *in vitro* use and that the inhibitors would also target and enter cells *in vivo,* applicants assert that *in vivo* use of the inhibitors is fully enabled. One of ordinary skill in the art would be fully enabled to use the claimed invention without undue experimentation. Thus, the rejection should be withdrawn.

The objection to claim 7 is respectfully traversed in view of the above amendments.

The rejection of claims 6-7 under 35 U.S.C. 102(b) as anticipated by Kleina et al., J. Virology, 66:7168-75 (1992)("Kleina") is respectfully traversed.

Kleina relates to replication of foot and mouth

disease virus. Kleina does not disclose or suggest methods of decreasing viral replication of a human cytomegalovirus in cells. Further, Kleina does not disclose or suggest where cells are infected with the human cytomegalovirus nor where viral replication of a human cytomegalovirus is decreased. Thus, the rejection of claims 6-7 is improper and should be withdrawn.

The rejection of claims 6-7 under 35 U.S.C. 102(b) as anticipated by Kim et al., Virology, 208:1-8 (1995)("Kim") is respectfully traversed.

Kim relates to replication of mouse hepatitis virus. Kim does not disclose or suggest methods of decreasing viral replication of a human cytomegalovirus in cells. Further, Kim does not disclose or suggest where cells are infected with the human cytomegalovirus nor where viral replication of a human cytomegalovirus is decreased. Thus, the rejection of claims 6-7 is improper and should be withdrawn.

In view of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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